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Attorneys for Plaintiff,  
OWEN DIAZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

OWEN DIAZ,  
Plaintiff,  
v.  
TESLA, INC. dba TESLA MOTORS, INC.;  
Defendant.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF ERIN PULASKI IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR ATTORNEY'S FEES**

Trial Date: March 27, 2023  
Complaint filed: October 16, 2017

**DECLARATION OF ERIN PULASKI**

I, Erin Pulaski, do hereby declare and state as follows:

1. I am an adult over the age of eighteen years of age. I am an attorney licensed to practice law in all the Courts of the State of California. I have personal knowledge of the facts set forth herein, (except where indicated upon information and belief) and if called as a witness, could and would testify competently thereto.

2. I am an attorney-at-law and partner at Rudy, Exelrod, Zieff & Lowe, LLP, a plaintiff's employment litigation firm in San Francisco, California.

3. I graduated from the University of California, San Diego in 2005. I attended law school at the University of California, Berkeley School of Law, where I graduated with a J.D. and Order of the Coif in 2009. I attended Berkeley Law with Dustin Collier, counsel for Plaintiff in this matter. During law school, I was on the Board of the American Constitution Society during Mr. Collier's tenure as President of the Berkeley Law chapter. Since that time, I have known Mr. Collier professionally, and I have seen him in action at the annual Trial College hosted by the California Employment Lawyers Association (CELA).

4. I have dedicated my career to advancing the public interest and ensuring that individuals who traditionally do not have the financial means to participate in the legal system have the ability to do so.

5. I was admitted to the California State Bar in 2009. I am a member of CELA, the Bar Association of San Francisco Labor and Employment Section, and the California State Bar Labor and Employment Section. I have been selected by San Francisco Magazine for its "Top Women Attorneys in Northern California" award from 2015-2019. Similarly, I have been selected to Super Lawyers "Rising Stars" from 2015-2022, an honor granted to only 2.5% of California attorneys within the first ten years of practice. I have also been selected for LawDragon 500's "Leading Plaintiff Employment Lawyer" for 2018-2019, as well as Lawyer Monthly's "Lawyer of the Year (USA) for Wage & Hour Law (2018).

6. Prospective plaintiffs in employment cases are usually seeking lawyers to handle their cases on a contingency fee basis and to advance all litigation costs. Lawyers who write to obtain work

1 handle this type of case for plaintiffs must be willing to take cases, including ones with high risks,  
 2 on a contingency fee basis and advance litigation costs—the no recovery, no fees model. For this  
 3 reason, victorious plaintiffs’ attorneys must occasionally receive fee awards with a multiplier in  
 4 order to survive and thrive in this highly competitive legal market.

5 7. I have known Dustin Collier professionally for over a decade and know him to be a  
 6 highly skilled trial lawyer. He is recognized in the community as an expert in the field of  
 7 employment law and trial advocacy and is requested to and does serve as a speaker at professional  
 8 conferences. He also generously volunteers his time to mentor other attorneys and give back to the  
 9 community, including serving as a faculty member and lecturer at the California Employment  
 10 Lawyers Association’s (CELA) Annual Trial College, teaching at the University of San Francisco’s  
 11 “Intensive Advocacy Program” for law students, and teaching pro bono trial skills courses such as  
 12 one in Fall 2017 at the Navajo Nation. In fact, I attended the CELA Trial College in 2015, where I  
 13 personally saw him in action. He lectured the entire program on persuasion and its application to  
 14 trial advocacy, and I found him to be an exceptionally skilled attorney.

15 8. Having practiced employment law for over a decade, I am familiar with the hourly rates  
 16 that employment attorneys receive for their time. I believe that Mr. Collier’s requested hourly rate is  
 17 reasonable for attorneys with his experience and skill level in the Bay Area. I believe the hourly rate  
 18 of \$750 that Mr. Collier is requesting fits the market for lawyers in this community with  
 19 commensurate years of litigation experience and the level of experience he has had on plaintiff’s  
 20 employment cases. Based on my knowledge of the rates charged by employment attorneys in the  
 21 Bay Area, I believe this requested rate to be well within the reasonable range for attorneys of  
 22 comparable experience level and reputation, and at the low end for attorneys of comparable skill  
 23 and experience in the defense bar. V. Joshua Socks’ requested rate of \$700 per hour, Elizabeth  
 24 Malay’s requested rate of \$400 per hour, and Drew Teti’s requested rate of \$550 per hour are all  
 25 also reasonable, considering their experience levels and the successful result this team of attorneys  
 26 had in this case and other cases.

27 9. Most individuals cannot afford to pay on an hourly basis for skilled representation in  
 28 civil rights litigation. Therefore, plaintiff’s civil rights attorneys represent most civil rights plaintiffs.

1 including whistleblower cases, on a contingency fee basis. Attorneys representing clients on  
2 contingency take a huge risk that they will not be reimbursed for numerous hours spent unless their  
3 client settles or wins at trial. Even when a client wins at trial, the litigation process often takes  
4 several years to conclude, draining a plaintiff's attorney's firm of resources and time to take on new  
5 matters. As such, in my own practice, as well as in the practices of my colleagues doing similar  
6 work, substantial fee awards serve as an important incentive for accepting cases protecting the  
7 public interest.

8 10. Most plaintiff's attorneys would be unwilling to accept such a complex, high-risk case in  
9 the absence of a fee award. The fact that persons with skill and experience like Plaintiff's counsel  
10 here would take this case through trial at all is a testament to why the Legislature made attorney's  
11 fees available.

12 I declare under penalty of perjury pursuant to the laws of the State of California that the  
13 foregoing is true and correct. Executed on October 16, 2023.  
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Erin Pulaski  
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